THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9897 OF 2005

17.03.2006

Between:

Sri K.Hari Shankar, S/o.K.Sayanna

And another

… Petitioners

AND

The Assistant Director, Survey and Land Records,

Lakdi-ka-pool, Hyderabad

And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9897 OF 2005

ORDER:

The writ petition is filed for a writ of Mandamus declaring the inaction of the respondents in not conducting survey and sub-division of the land admeasuring Acs.13.20 guntas in survey No.13/A as illegal and arbitrary.

Though the interlocutory applications are listed, the matter is heard finally and is being disposed of by this order.

The petitioners herein are allegedly owners of land admeasuring Acs.13.20 guntas in survey No.13/A of Bandlaguda village and they purchased the same under registered sale deed dated 23.2.2004. They approached the Mandal Revenue Officer (MRO), Rajendranagar, the second respondent herein, for demarcation of the land, in vain. They filed a writ petition before this Court being W.P.No.14217 of

2004. A learned Single Judge of this Court dismissed the writ petition. The Division Bench in W.A.No.1614 of 2004 dated 29.10.2004 set aside the judgment of the learned Single Judge and directed the MRO to carry out demarcation in accordance with law. Thereafter the first respondent herein issued a memo dated 27.1.2005 informing that survey No.13 is a gut number without any sub-divisions, that without sub-divisions record, no further sub-division is possible and accordingly advised the first petitioner to approach the civil court for partition of the property. Aggrieved by which, the present writ petition is filed.

When the interlocutory applications are called, the learned Assistant Government Pleader for Revenue (General) has fairly submitted that following the circular instructions issued by the Commissioner of Survey, Settlements & Land Records, dated 01.6.1989, this Court disposed of a similar case in respect of the land admeasuring Acs.12.32 guntas in survey Nos.13/E4, 13/E5 and 13/E6 of Bandlaguda Jagir village . A copy of the order has placed before this Court. In the said writ petition being W.P.No.13350 of 2006, this Court made the following observations.

> The learned Counsel for the petitioners while assailing the memo, dated 28.02.2004 placed reliance on the circular instructions in Ref.No.ROR(A)/225/89, dated 01.06.1989. A reading of the same would show that even where the land was not initially surveyed, it was found to be in possession of a number of persons and their possession was entered in the record of rights, survey can be taken up by allotting sub division numbers. The respondent lost sight of the said circular. Therefore, this matter is remanded to the respondent to take necessary action in accordance with the circular of the Commissioner of Survey, Settlements & Land Records, dated 01.06.1989, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

Following the same, this writ petition is also disposed of, directing the first respondent to pass appropriate orders in accordance with the circular referred to herein above, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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(**V.V.S.RAO,J**)

March 17, 2006.

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